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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,872	02/28/2006	Anne Elliot Merica	033670-007	4501
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EXAMINER CHAPMAN, JEANETTE E				
ART UNIT 3633		PAPER NUMBER		
NOTIFICATION DATE 06/11/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/530,872

Applicant(s)

MERICA, ANNE ELLIOT

Examiner

Jeanette E. Chapman

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3-4, 6-8, 11-15, 20-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Biebuyck

Claim 1.

Biebuyck discloses in a curtain wall structure having a U-shaped channel, adjacent 154/156 for receiving a glazed panel 120d therewithin, the improvement comprising: a structural portion 140 alongside the U-shaped channel, said structural portion including at least one opening for receiving means for securing 151 the curtain wall structure in place, a recess A,B disposed inwardly of the U-shaped channel and the structural portion and integrated therewith. wherein said recess A,B defines at least one wireway for power and/or data/telecommunication cables in the curtain wall structure.

claim 20.

Biebuyck discloses the improvement according to claim 1, wherein said recess defines an inwardly open recess B and further comprising a cover 144 for said recess.

Claim 21.

Biebuyck discloses the improvement according to claim 1, wherein said recess defines an inwardly disposed terminal end adjacent 192,194 or 136 of the curtain wall structure.
claim 3.

Biebuyck discloses the improvement according to claim 20 wherein said cover 144 has a generally planar external configuration contour.

Claim 4.

Biebuyck discloses the improvement according to claim 20 wherein said cover has longitudinally extending marginal edges 174/176 defined so as to fit longitudinally 164, 172 extending sockets provided for this purpose in opposed wall sections of said structural portion.

claim 6.

Biebuyck discloses the improvement according to claim 1 wherein said sill structural portion is of extrudable cross section. See column 1, lines 9-10

claim 7.

Biebuyck discloses the improvement according to claim 1 wherein said sill structural portion is of extruded aluminum. See column 1, lines 9-10.

claim 8.

Biebuyck discloses the improvement according to claim 20 wherein said cover is also of extruded aluminum.

claim 11.

Biebuyck discloses the improvement according to claim 1 wherein said structural portion defines a first channel A and said defines a second channel B.

claim 12.

Biebuyck discloses the improvement according to claim 1 wherein said structural portion defines a length in the longitudinal direction, said wireway being continuous along said length.

claim 13.

Biebuyck discloses a curtain wall structure comprising: a channel section between 154 and 156 for receiving a glazed wall panel 120d therewithin; an anchoring section 46 spaced inwardly of the channel section, said anchoring section B including at least one opening for receiving means for securing the curtain wall structure in place; and an enclosed wireway A for power and/or data/telecommunication cables disposed inwardly of the channel section and the anchoring section and integrated therewith.

Claim 14.

Biebuyck discloses the curtain wall structure according to claim 13, wherein said channel section defines a U-shaped channel.

Claim 15.

Biebuyck discloses the curtain wall structure according to claim 13, wherein said anchoring section B defines a channel including said at least one opening adjacent 144 claim 23.

Biebuyck discloses the curtain wall structure according to claim 13, wherein said enclosed wireway defines an inwardly disposed terminal end 140 of the curtain wall structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebuyck in view of Decore et al claim 2.

Decore et al discloses the improvement according to claim 20 further comprising outlet devices 30 provided in openings defined for this purpose in the cover, said cover having at least one generally flat planer surface defining longitudinally spaced openings for this purpose.

(the cover lacks a positive antecedent basis in claim 1; nevertheless Biebuyck discloses a cover over recess B).

It would have been obvious to one of ordinary skill in the art to include the port for outlet devices for convenient for the user.

claim 22.

Decore et al discloses the improvement according to claim 1, wherein said recess includes a plurality of power and/or data/telecommunication cables 18 therewithin.

claim 24.

Decore et al discloses the curtain wall structure according to claim 13, further comprising a plurality of power and/or data/telecommunication cables 18 preloaded within said enclosed wireway.

Claims 5, 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebuyck in view of DiBartolo, Jr. et al

claim 5.

Biebuyck lacks the improvement according to claim 4 wherein one of said sockets defines a pivot of said cover. DiBartolo, Jr. et al discloses a raceway or wire way with a cover and one of the socket 24/32 defines a pivot for the cover 20. It would have been obvious to include a pivotable cover for convenience in opening and closing the cover.

claim 9.

DeBartolo, Jr et al discloses the improvement according to claim 20 wherein said cover is a synthetic polymeric material. See column 3, line 48-53.

claim 16.

Biebuyck lacks the curtain wall structure according to claim 13 wherein said enclosed wireway includes at least one divider panel, thereby defining at least two separated wire

channels. DeBartolo et al discloses an enclosed wireway includes at least one divider panel 14, thereby defining at least two separated wire channels 16, 18.

Claims 10, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebuyck in view of Handler claim 10.

Handler discloses the improvement according to claim 1 wherein said recess defines opposed wall sections, said wall sections having longitudinally extending ribs adjacent 25 for receiving a resilient divider 22 to provide discrete wireways for both data/telecommunication cabling and power cabling within said wireway. It would have been obvious to include the ribs to provide additional dividers as needed as shown by Handler claim 17.

Figure 1 of handler discloses the curtain wall structure according to claim 13 wherein said enclosed wireway includes an inwardly open recess and a cover 241, 235, therefore said cover includes at least one generally flat planar surface and a plurality of longitudinally spaced openings, adjacent 236 therein.

Claim 19.

Biebuyck discloses the curtain wall structure according to claim 17 wherein said enclosed wireway extends horizontally or vertically.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biebuyck in view of Handler in view of Decore. (see above for the application of Decore to Biebuyck

claim 18.

Decore discloses the curtain wall structure according to claim 17 further comprising a plurality of outlet devices 30 provided in said cover

Applicant's arguments are moot in view of the new ground of rejection

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on monday-friday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633
